IH-32   Rev: 2014-1

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

NICHOLAS A. BASBANES and NICHOLAS
NGAGOYEANES (professionally known as
Nicholas Gage), individually and on behalf of all
others similarly situated,

Plaintiff	Case Number
	1:24-cv-84
vs.	
MICROSOFT CORPORATION, OPENAI, INC., OPENAI GP, L.L.C., OPENAI HOLDINGS, LLC, OAI CORPORATION, LLC, OPENAI GLOBAL, LLC, OPENAI, L.L.C., and OPENAI OPCO, LLC,	

Defendant

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

The New York Times Company

Plaintiff	Case Number
	1:23-cv-11195
vs.	
Microsoft Corporation, OpenAI, Inc., OpenAI LP, OpenAI GP, LLC, OpenAI, LLC, OpenAI OpCo LLC, OpenAI Global LLC, OAI Corporation, LLC, and OpenAI Holdings, LLC	

Defendant

IH-32   Rev: 2014-1

Status of Earlier Filed Case:

☐	Closed	(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)
☑	Open	(If so, set forth procedural status and summarize any court rulings.)

This action for copyright infringement against OpenAI was filed on December 27, 2023 by The New York Times Company. The complaint alleges that OpenAI committed "systematic and competitive infringement . . . of The Times's uniquely valuable works." See ECF 1 at 4, 23-cv-11195 (Dec. 27, 2023).

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

In both suits, the central claims challenge the use of Plaintiffs' copyrighted material to train AI large language models. Both cases name Microsoft Corporation and various OpenAI entities as defendants. The basic legal theories, causes of action, sources of liability, relief requested, basis of jurisdiction, and factual allegations regarding Defendants' conduct advanced in both complaints are also similar. One of the key differences, however, is that the newly filed suit is brought on behalf of writers more broadly, whereas Plaintiff in the earlier-filed suit is not a class action.

Signature: __/s/ Michael P. Richter__   Date: __01/05/2024__

Firm: __Grant Herrmann Schwartz & Klinger LLP__